

November 3, 2015

The Honorable Judge John Gleeson

United States District Court

Eastern District of New York

225 Cadman Plaza East

Brooklyn, NY 11201

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

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**BROOKLYN OFFICE**

Re: Docket Number 12CR763

Judge Gleeson,

My name is Hubert Dean Moore, Jr., (Dean) and I spoke with your assistant yesterday concerning my current issues with HSBC, and the potential impact of Michael Cherkasky's report from earlier this year. As I indicated on the phone with your assistant, I have a current complaint filing with the Consumer Financial Protection Bureau (CFPB) in Washington, D.C.

As I have been researching items with respect to my filing, I came across a report from Bloomberg, which outlined the context of the Cherkasky report. I have also spoken with my US Senator's (Pat Toomey) office, with regards to my filing. As I understand the current situation, the Senator's office was not able to review the Cherkasky report, and neither was the CFPB, as the "final" report is currently under seal via US Attorney Kelly Currie. (As reported in the NY Post, June 1, 2015).

The reason I believe said report has a bearing on my complaint against HSBC is that the relevant parties, i.e. CFPB, etc., were not able to review the contents of the report. It is my contention that the report would (or will) validate my claims that HSBC is in direct violation of multiple sections of multiple Consent Decree(s) [11-022-B-HC, 11-022-B-DEO, and the subsequent orders]. Without the data set included in the Cherkasky report, my complaint is essentially a "he said - she said" argument, in the eyes of the CFPB. I was told by multiple lawyers who reviewed my filing that I had "everything from soup to nuts on HSBC", with respect to the violations listed.

Additionally, (as reported by NewsMax, July 7, 2015) if Bloomberg reporters reviewed the final copy of the Cherkasky report, I find it difficult to understand how- or why- the US Attorney can now seal the document, as its' contents (and major issues / concerns) have already been disclosed to the press?

My CFPB filing number is: 140806-002298. The information contained in the file is in excess of 200 pages, that I submitted as part of my rebuttal of HSBC's answer (or lack thereof) to my initial filing with

the CFPB. Specifically, the complaint filing contains the following: the initial complaint, HSBC's first rebuttal, my counter-argument which still asked for the original questions to be answered, HSBC's "answer"- which was basically, "we didn't do anything wrong", CFPB's response that they had "reached out" to HSBC and were satisfied with HSBC's answer. The major issue here is that if the CFPB was unaware of the information contained in the report, they could not make a reasonable interpretation, as they did not have all of the relevant information.

As an example of what I described to your assistant as HSBC's "ping pong style, HSBC chose not to answer the questions I posed in my original complaint and instead chose to focus on "mud slinging" at both my wife and I. This was pointed out in my rebuttal letter, also in the case file, where I again questioned the lack of a direct answer to the questions posed. If you need written permission to review my case file, I would be happy to oblige. (This was the case with Senator Toomey's office, and I gave them the required signature so they could review the documents in my file).

Additionally, as I am sure the Court is aware, as part of the consent decree, HSBC was required to submit documents, procedures, and / or protocols, to the Federal Reserve, as to how they were going to "fix" their mortgage handling issues. As an example, in the original documents (also in the file) HSBC submitted documents that outlined the formation of a department that would handle potential /current bankruptcy cases, such as mine. The department was to be called the SPOC, or Single Point of Contact. This department was actually formed sometime after the Cherkasky report was filed with the Court. (Even though HSBC had filed documents that stated this department would be created as of the filing with the Federal Reserve- clearly not the case and a violation of both the letter and spirit of the agreement).

Further, HSBC senior management are signatories on multiple Consent Decrees, and the documents / protocols and / or procedures also included multiple signatures from senior management. At this point, HSBC cannot claim any exclusion, based on the "I didn't know" approach for several reasons: 1) As direct signatories on the documents filed with the Federal Reserve, multiple individuals had to "sign off" and approve said documents, and 2) potentially more damaging is the impact from the Treadway Commission report on Internal Controls which is explicit in stating that Senior Management at any Public company have the duty and responsibility to ensure proper internal controls exist. As HSBC is publically traded, they are bound by these rules, 3) As Stuart Gulliver, the current Chairman of HSBC, is an Oxford-trained attorney, he is well versed in the law and (again) cannot reasonably claim exclusion because he bears the ultimate responsibility for the operation of the company.

If you review the documents in my complaint, you will see that HSBC's response to both myself and the CFPB does not mention the existence of any outside report which documented various issues they were having, especially with regards to compliance (according to the news reports). This could potentially be seen as giving fraudulent documents to the CFPB, via the US Postal Service, a felony.

Also, HSBC submitted that the bank would institute an electronic data management system, to prevent the "loss" of documents. As you can see from my complaint filing, this is hardly the situation. Also, as of

October of this year (2015), I submitted additional information that was "lost" (again), even though the SPOC and data management systems were supposed to be operational almost 2+ years ago.

This entire process has been nothing short of combative, between trying to get answers from HSBC, and their lack of willingness to provide the answers to the questions that were posed.

As historical reference, my wife and I were forced to file bankruptcy, due to the cost of her treatments for breast cancer. In multiple letters to HSBC, this was spelled out, as was the request to work out a loan modification. To date, no answers have been provided, nor has HSBC been held to account for their actions.

I appreciate your attention with this matter.

All the best,

A handwritten signature in black ink, appearing to read 'H. Moore, Jr.', with a long horizontal flourish extending to the right.

Hubert Dean Moore, Jr.

(484) 678-7026 [cell]

(610) 431-7957 [home]

(610) 431-6685 [home fax]

[dean.moore999@gmail.com](mailto:dean.moore999@gmail.com)